

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 26, 2003**

DIVISION ONE

Court convened at 9:00 a.m.

Present: Ortega, Acting P.J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux, Deputy Clerk.

Each of the following:

B155624      Foerstel v. Jeffrey  
B160811      In re Michelle C., DCFS v. Maria C.

Argument waived, cause submitted.

B155240      Hutchinson  
                 v.  
                 Busey

Merits:

Argued by Vicki M. Roberts for respondent and Robert M. Newell appeared and waived argument for appellant. Cause submitted.

B152245      Ralin  
                 v.  
                 City of Santa Monica, et al.

Merits:

Argued by Darren A. Manibog for appellant and by Carol Ann Rohr, Deputy City Attorney, for respondents. Counsel waive the presence of Presiding Justice Spencer. Cause submitted.

Justice Mallano leaves the bench.

DIVISION ONE (Continued)

B155506      Fernandez  
                 v.  
                 Aware Products, Inc.

Merits:  
Argued by Bennett Rolfe for appellant and respondent waived argument.  
Counsel waive the presence of Presiding Justice Spencer. Cause submitted.

B158690      Brunson  
                 v.  
                 Bamattree

Merits:  
Argued by Michael P. Calof for appellant and by Sonja R. Dawson, Deputy  
City Attorney, for respondent. Counsel waive the presence of Presiding  
Justice Spencer. Cause submitted.

B157398      MacDonald, etc.  
                 v.  
                 Field, et al.

Merits:  
Argued by Daniel B. Spitzer for appellant and by E. Jay Gotfredson for  
respondents. Counsel waive the presence of Presiding Justice Spencer.  
Cause submitted.

Mallano, J. returns to the bench.

B154519      Spiegel & Yochelson  
                 v.  
                 Brown

Merits:  
Argued by Gennady Lebedev for appellant and by Eric B. Seuthe for  
respondent. Counsel waives the presence of Presiding Justice Spencer.  
Cause submitted.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

B150215     Tinoco  
              v.  
              Prestige Stations, Inc.

Merits:  
Argued by Douglas G. Benedon for appellant and by Rita Gunasekaran for respondent. Counsel waive the presence of Presiding Justice Spencer.  
Cause submitted.

Ortega, J. returns to the bench.

Vogel, J. leaves the bench.

B152363     Martin  
              v.  
              Dorothy J. Reams Individually and as Trustee, etc.

Merits:  
Argued by Steven J. Renick for appellant and by William J. Salica for respondent. Counsel waive the presence of Presiding Justice Spencer.  
Cause submitted.

Vogel, J. returns to the bench.

Mallano, J. leaves the bench.

B152549     Squires  
              v.  
              Goodyear Tire & Rubber Co., et al.

Merits:  
Argued by Carroll A. McCortney for appellant and by Christopher P. Level for respondents. Counsel waive the presence of Presiding Justice Spencer.  
Cause submitted.

Mallano, J. returns to the bench.

Vogel, J. leaves the bench.

DIVISION ONE (Continued)

B142868     Triebatch  
              v.  
              Triebatch

Merits:

Argued by Hugh A. Lipton for appellant and by Claudia Ribet for respondent. Counsel waive the presence of Presiding Justice Spencer. Cause submitted.

Vogel, J. returns to the bench.

Mallano, J. leaves the bench.

B152985     Papadakis, et al.  
              v.  
              Spellacy

Merits:

Argued by Bennett A. Rheingold for appellants and by Dennis A. Page for respondent. Counsel waive the presence of Presiding Justice Spencer. Cause submitted.

Mallano, J. returns to the bench.

Vogel, J. leaves the bench.

B153730     Padgett  
              v.  
              Ernst & Young

Merits:

Argued by Michael J. Aguirre for appellants, by J. Andrew Heaton for respondent Ernst & Young and by Jeffrey S. Waksman for amicus Koken. Counsel waive the presence of Presiding Justice Spencer. Cause submitted.

Court adjourned.

DIVISION ONE (Continued)

B159160      Los Angeles County, D.C.S.      (Not for Publication)

v.

Tonya H.

In re Alexis B., a juvenile

The orders are affirmed.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                 Mallano, J.

B159924      Los Angeles County, D.C.S.      (Not for Publication)

v.

Isabel Z.

In re Rachel L., a juvenile

The order is affirmed.

Vogel (Miriam A.), J.

We concur:    Ortega, Acting P.J.  
                 Mallano, J.

DIVISION TWO

B153952      Kim      (Not for Publication)

v.

Tsai

The judgment in favor of respondent is reversed. Respondent is ordered to bear appellants' costs of appeal.

Doi Todd, J.

We concur:    Boren, P.J.  
                 Ashmann-Gerst, J.

DIVISION TWO (Continued)

B156338      Careerfair Productions, et al.      (Not for Publication)  
                 v.  
                 Shomex Productions

The order denying Shomex's motion to strike is reversed. On remand, the trial court is ordered to enter a new order granting appellant's motion to strike and awarding Shomex its attorney fees and costs. (Code Civ. Proc., § 425.16, subd. (c).) Appellant is awarded attorney fees and costs on appeal.

Doi Todd, J.

We concur:    Nott, Acting P.J.  
                 Ashmann-Gerst, J.

B152802      S.K. Madan      (Not for Publication)  
                 v.  
                 Haddock

The order filed July 26, 2001, and approving the receiver's final account and report and fixing fees of receiver and exonerating receiver's bond is affirmed.

Boren, P.J.

We concur:    Doi Todd, J.  
                 Ashmann-Gerst, J.

DIVISION THREE

B159131      People      (Not for Publication)  
                 v.  
                 Casian

The judgment is affirmed.

Kitching, J.

We concur:    Croskey, Acting P.J.  
                 Aldrich, J.

### DIVISION THREE (Continued)

B149596 People (Not for Publication)  
v.  
Portelles

The judgment of conviction of attempted robbery with the personal use of a firearm is affirmed. That part of the judgment imposing an increased sentence pursuant to the Three Strikes law and imposing two five-year enhancements pursuant to Penal Code section 667, subdivision (a)(1), is reversed and the cause is remanded for trial on the prior conviction allegations and such other further proceedings as may be required.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B161826      Janette Katz      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Mark Katz, r.p.i.)

Let a peremptory writ of mandate issue directing the trial court to: (1) vacate its order denying attorney fees to Janette, and (2) hold a new hearing to determine the amount required to permit Janette to obtain counsel and to present a defense at trial. No costs are awarded in this proceedings.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B157404      David Harel      (Not for Publication)  
v.  
Charles Nixon, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

DIVISION THREE (Continued)

B156711      Carlyle Downs                      (Not for Publication)

v.

Nedra Gaspard, as Trustee, etc.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur:    Croskey, Acting P.J.  
                 Aldrich, J.

B160105      Los Angeles County, D.C.S.              (Not for Publication)

v.

Laurie U.

The appeal is dismissed.

Aldrich, J.

We concur:    Klein, P.J.  
                 Kitching, J.

B144278      People

v.

Kreitenberg

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B148501      LSO, LTD.

B149390      v.

B151802      Jay Stroh, etc.

Filed order vacating submission of November 20, 2002. Cause resubmitted this date.



DIVISION FIVE

B161041      Kirsten Fox                      (Not for Publication)  
                 v.  
                 State of California

The judgment is affirmed. Defendant, the State of California, is to recover its costs on appeal from plaintiff, Kirsten Fox.

B155435      People                                      (Not for Publication)  
                 v.  
                 Edwin Cacho

The judgment is affirmed.

Armstrong, J.

We concur:    Turner, P.J.  
                 Mosk, J.

DIVISION SIX

B156159      Adlof                                      (Not for Publication)  
                 v.  
                 Civil Service Commission of the County of Ventura  
                 County of Ventura (R.P.I.)

The judgment denying the petition for a writ of administrative mandate is affirmed. Respondents shall recover their costs on appeal.

Yegan, Acting P.J.

We concur:    Coffee, J.  
                 Perren, J.

February 26, 2003 (Continued)

## DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

B154218 People  
v.  
Freeman

Filed order denying petition for rehearing.

02-26-03

118708-03

**THE HONORABLE ARTHUR GILBERT**, Presiding Justice of the Court of Appeal, Second Appellate District, Division Six, is hereby assigned to sit as a Judge of the Superior Court, County of Los Angeles from:

**March 1, 2003 to April 30, 2003,**

and until completion and disposition of all causes and matters submitted pursuant to this assignment.

February 21, 2003

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council

DIVISION SEVEN

B152821      Gavin W., et al.                      (Certified for Publication)  
v.  
YMCA of Metropolitan Los Angeles, et al.

The judgment of the trial court is reversed as to the fourth, fifth, sixth and eighth causes of action. The matter is remanded to the trial court for further proceedings not inconsistent with this opinion. Appellants are to recover their costs on appeal.

Perluss, P.J.

We concur:   Johnson, J.  
                     Woods, J.

DIVISION EIGHT

B141818      MTS Communications Company, Inc.      (Not for Publication)  
v.  
Mosaic Capital

The judgment is reversed. The case is remanded to the trial court for further proceedings consistent with this opinion. Each party to bear its costs on appeal.

Cooper, P.J.

We concur:   Rubin, J.  
                     Boland, J.